

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RYAN DEVEREAUX, et al.,)	
)	
Plaintiffs,)	
)	Cause No. 4:15cv-00553-RWS
v.)	
)	
ST. LOUIS COUNTY, MISSOURI, et al.,)	
)	
Defendants.)	

MEMORANDUM IN SUPPORT OF DEFENDANT ST. LOUIS COUNTY
POLICE DEPARTMENT’S MOTION TO DISMISS

COMES NOW Defendant St. Louis County Police Department (“SLCPD”) and in support of its Motion to Dismiss, offers the following memorandum of law:

In addition to making claims against twenty persons alleged to be St. Louis County police officers but identified only as John Does (Petition, Paragraphs 15 and 16), the Complaint also makes claims against St. Louis County (Petition, Paragraph 17) and against a defendant identified as “St. Louis County Police Department” (Petition, Paragraph 18). Because SLCPD is not a suable entity, with respect to SLCPD the Complaint, and all of its counts directed at SLCPD, fails to state a claim upon which relief can be granted, and is legally frivolous.

In a number of cases brought under 42 U.S.C. Sec. 1983, as are some of the counts in the case at bar (Complaint, Paragraph 6), courts in the Eastern District of Missouri have held that police and sheriff’s departments, including in particular the St. Louis County Police Department, are not suable entities. Indeed, this Court held the same in *Watson v. Missouri*, 2013 WL 2420426 (E.D.Mo. 2013), citing *Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81, 82 (8th Cir. 1992). Judge Ross and Judge Jackson,

respectively in *Neal v. City of St. Louis*, 2013 WL 5436658 (E.D.Mo. 2013) and *McAllister v. Ferguson Police Department*, 2014 WL 1052778 (E.D.Mo. 2014), held that the claims made in those cases against the St. Louis County Police Department were “legally frivolous.” The claims made against SLCPD in the Complaint under Sec. 1983 should be dismissed.

On the same grounds as the federal, Sec. 1983 cases cited herein, the Missouri Court of Appeals dismissed a case brought under state law against a city’s administrative entity, Kansas City’s Neighborhood and Community Services Department. *Jordan v. Kansas City*, 929 S.W.2d. 882, 886 (Mo. App. 1996). For the same reason, the Court should dismiss the state law claims asserted against SLCPD.

WHEREFORE, Defendant SLCPD asks that the Complaint be dismissed as to it; and for such other relief as the Court deems appropriate in the circumstances.

Respectfully submitted,

PETER J. KRANE
COUNTY COUNSELOR

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A copy of the foregoing was filed , 2015 with the Court’s electronic filing system.

/s/ Michael A. Shuman